



26

DOCKET NO.: C1037.70042US00


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Arthur M. Krieg  
Serial No.: 10/613,524  
Confirmation No.: 4728  
Filed: July 3, 2003  
For: NUCLEIC ACID COMPOSITIONS FOR STIMULATING  
IMMUNE RESPONSES  
Examiner: Not Yet Assigned  
Art Unit: 1614

---

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 25<sup>th</sup> day of October, 2004.

  
Kristin J. Ketchum

---

**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case.

No fee or certification is required.

PART III: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references. The Applicant hereby makes the following additional information of record in the above-identified application.

The Applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

<u>Docket No.</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>
*C1037.70013US01	10/831,778	April 23, 2004	Bratzler et al.
*C1037.70039US01	10/816,220	April 1, 2004	McCluskie et al.
*C1037.70048US00	10/644,052	August 19, 2003	Jurk et al.
*C1037.70049US00	10/643,141	August 18, 2003	Hutcherson et al.
*C1037.70050US01	10/952,254	September 27, 2004	Uhlmann et al.
*C1037.70052US00	10/668,050	September 22, 2003	Bratzler et al.
C1039.70020US00	09/337,584	June 21, 1999	Krieg et al.
*C1039.70020US01	10/921,086	August 18, 2004	Krieg et al.
C1039.70022US00	09/337,893	June 21, 1999	Krieg
C1039.70035US00	09/669,187	September 25, 2000	Krieg et al.
*C1039.70035US01	10/884,866	July 2, 2004	Krieg et al.
*C1039.70035US02	10/888,803	July 9, 2004	Krieg et al.
C1039.70041US00	09/655,319	September 5, 2000	Krieg et al.
C1039.70042US00	09/630,319	July 31, 2000	Krieg et al.
C1039.70043US00	09/629,477	July 31, 2000	Krieg et al.
C1039.70044US00	09/672,126	September 27, 2000	Hartmann et al.
*C1039.70048US03	10/831,647	April 23, 2004	Krieg et al.
*C1039.70048US04	10/847,642	May 15, 2004	Krieg et al.
*C1039.70048US05	10/877,407	June 24, 2004	Krieg et al.
*C1039.70048US06	10/884,852	July 2, 2004	Krieg et al.
*C1039.70048US07	10/888,785	July 9, 2004	Krieg et al.

\*a copy of this reference is not provided as the Office hereby waives the requirement under 37 CFR 1.98(a)(2)(iii) for submitting a copy of each cited U.S. patent application filed after June 30, 2003 and for applications filed before June 30, 2003, or that entered the national stage before June 30, 2003, if they are scanned to Image File Wrapper system and are available on Private PAIR.

Serial No.: 10/613,524  
Conf. No.: 4728

- 3 -

Art Unit: 1614

<u>Docket No.</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>
*C1039.70048US08	10/888,449	July 9, 2004	Krieg et al.
*C1039.70048US09	10/894,657	July 16, 2004	Krieg et al.
*C1039.70048US10	10/894,862	July 16, 2004	Krieg et al.
*C1039.70048US11	10/928,762	August 26, 2004	Krieg et al.
C1039.70057US00	09/965,101	September 26, 2001	Davis et al.
*C1039.70057US01	10/838,659	May 3, 2004	Davis et al.
*C1039.70058US01	10/831,775	April 23, 2004	Davis et al.
C1039.70062US00	10/187,489	July 2, 2002	Krieg et al.
C1039.70070US00	10/382,822	March 6, 2003	Krieg et al.
C1039.70071US00	10/435,656	May 9, 2003	Krieg et al.
*C1039.70075US00	10/613,916	July 3, 2003	Krieg et al.
*C1039.70077US00	10/619,279	July 14, 2003	Krieg
*C1039.70079US00	10/627,413	July 25, 2003	Krieg et al.
*C1039.70083US08	10/847,650	May 15, 2004	Krieg et al.
*C1039.70083US09	10/888,885	July 9, 2004	Krieg et al.
*C1039.70083US10	10/888,089	July 9, 2004	Krieg et al.
*C1039.70084US00	10/649,584	August 25, 2003	Krieg et al.
C1040.70006US00	09/316,199	May 21, 1999	McCluskie et al.
*C1040.70006US01	10/888,886	July 9, 2004	McCluskie et al.
C1040.70010US00	09/768,012	January 22, 2001	McCluskie et al.
*C1040.70012US00	10/644,267	August 20, 2003	Davis et al.
C1041.70002US00	09/241,653	February 2, 1999	Wagner et al.
*C1041.70002US01	10/877,369	June 25, 2004	Wagner et al.
*C1041.70002US02	10/876,965	June 25, 2004	Wagner et al.
*C1041.70002US03	10/876,892	June 25, 2004	Wagner et al.
C1041.70005US00	09/355,254	February 22, 2000	Wagner et al.
*C1041.70005US01	10/811,226	March 26, 2004	Wagner et al.
*C1041.70005US02	10/894,655	July 16, 2004	Wagner et al.
C1041.70010US00	09/786,436	March 2, 2001	Wagner et al.
*C1041.70016US01	10/884,372	July 2, 2004	Bauer et al.
*C1041.70036US01	10/872,196	June 18, 2004	Lipford et al.

\*a copy of this reference is not provided as the Office hereby waives the requirement under 37 CFR 1.98(a)(2)(iii) for submitting a copy of each cited U.S. patent application filed after June 30, 2003 and for applications filed before June 30, 2003, or that entered the national stage before June 30, 2003, if they are scanned to Image File Wrapper system and are available on Private PAIR.

Serial No.: 10/613,524  
Conf. No.: 4728

- 4 -

Art Unit: 1614

<u>Docket No.</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>
*C1041.70040US00	10/666,844	September 19, 2003	Lipford et al.

\*a copy of this reference is not provided as the Office hereby waives the requirement under 37 CFR 1.98(a)(2)(iii) for submitting a copy of each cited U.S. patent application filed after June 30, 2003 and for applications filed before June 30, 2003, or that entered the national stage before June 30, 2003, if they are scanned to Image File Wrapper system and are available on Private PAIR.

The Applicant would like to bring to the Examiner's attention the enclosed search report or other communication from a corresponding International or Foreign National Application.

<u>Docket No.</u>	<u>Serial No.</u>	<u>Mailing Date</u>	<u>Type of Communication</u>
C1037.70041WO00	PCT/US03/21113	9 August 2004	Written Opinion

### PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

Serial No.: 10/613,524  
Conf. No.: 4728

- 5 -

Art Unit: 1614

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,  
*Arthur M. Krieg, Applicant*

By:



Maria A. Trevisan, Reg. No. 48,207  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2206  
Telephone: (617) 646-8000

Docket No.: C1037.70042US00  
Date: October 25, 2004  
**xNDDx**



DOCKET NO.: C1037.70042US00

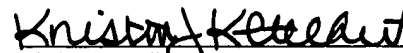
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Arthur M. Krieg  
Serial No.: 10/613,524  
Confirmation No.: 4728  
Filed: July 3, 2003  
For: NUCLEIC ACID COMPOSITIONS FOR STIMULATING IMMUNE  
RESPONSES  
Examiner: Not Yet Assigned  
Art Unit: 1614

---

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 25<sup>th</sup> day of October, 2004.

  
Kristin J. Ketelba

---

**MAIL STOP AMENDMENT**

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

- Information Disclosure Statement
- PTO Form 1449 with cited references
- Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

A check is not enclosed. If a fee is required, the Commissioner is hereby authorized to charge Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,  
*Arthur M. Krieg, Applicant*

By:



Maria A. Trevisan, Reg. No.: 48,207  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2206  
Telephone: (617) 646-8000

Docket No.: C1037.70042US00

Date: October 25 2004

xNDDx

FORM PTO-1449/A and B (Modified) <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				APPLICATION NO.: 10/613,524	ATTY. DOCKET NO.: C1037.70042US00
				FILING DATE: July 3, 2003	CONFIRMATION NO.: 4728
				APPLICANT: Arthur M. Krieg	
				GROUP ART UNIT: 1614	EXAMINER: Not Yet Assigned
Sheet	1	of	2		

### U.S. PATENT DOCUMENTS

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
	A2	5,663,153		Hutcherson et al.	09-02-1997
	A3	5,723,335		Hutcherson et al.	03-03-1998
	A4	6,194,388	B1	Krieg et al.	02-27-2001
	A5	6,214,806	B1	Krieg et al.	04-10-2001
	A6	6,218,371	B1	Krieg et al.	04-17-2001
	A7	6,239,116	B1	Krieg et al.	05-29-2001
	A8	6,339,068	B1	Krieg et al.	01-15-2002
	A9	6,406,705	B1	Davis et al.	06-18-2002
	A10	6,429,199	B1	Krieg et al.	08-06-2002
	A11	6,653,292	B1	Krieg et al.	11-25-2003
	A12	6,727,230	B1	Hutcherson et al.	04-27-2004
	A13	2001-0044416	A1	McCluskie et al.	11-22-2001
	A14	2002-0064515	A1	Krieg et al.	05-30-2002
	A15	2002-0091097	A1	Bratzler et al.	07-11-2002
	A16	2002-0156033	A1	Bratzler et al.	10-24-2002
	A17	2002-0164341	A1	Davis et al.	11-07-2002
	A18	2002-0165178	A1	Schetter et al.	11-07-2002
	A19	2002-0198165	A1	Bratzler et al.	12-26-2002
	A20	2003-0026782	A1	Krieg et al.	02-06-2003
	A21	2003-0026801	A1	Weiner et al.	02-06-2003
	A22	2003-0050261	A1	Krieg et al.	03-13-2003
	A23	2003-0050263	A1	Krieg et al.	03-13-2003
	A24	2003-0050268	A1	Krieg et al.	03-13-2003
	A25	2003-0055014	A1	Bratzler	03-20-2003
	A26	2003-0087848	A1	Bratzler et al.	05-08-2003
	A27	2003-0091599	A1	Davis et al.	05-15-2003
	A28	2003-0100527	A1	Krieg et al.	05-29-2003
	A29	2003-0104523	A1	Bauer et al.	06-05-2003
	A30	2003-0139364	A1	Krieg et al.	07-24-2003
	A31	2003-0148316	A1	Lipford et al.	08-07-2003
	A32	2003-0148976	A1	Krieg et al.	08-07-2003
	A33	2003-0166001	A1	Lipford	09-04-2003
	A34	2003-0181406	A1	Schetter et al.	09-25-2003
	A35	2003-0191079	A1	Krieg et al.	10-09-2003
	A36	2003-0212026	A1	Krieg et al.	11-13-2003
	A37	2003-0224010	A1	Davis et al.	12-04-2003
	A38	2003-0232074	A1	Lipford et al.	12-18-2003
	A39	2004-0009949	A1	Krieg	01-15-2004

<b>FORM PTO-1449/A and B (Modified)</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				APPLICATION NO.: 10/613,524		ATTY. DOCKET NO.: C1037.70042US00			
				FILING DATE: July 3, 2003		CONFIRMATION NO.: 4728			
				APPLICANT: Arthur M. Krieg					
				GROUP ART UNIT: 1614		EXAMINER: Not Yet Assigned			
Sheet	2	of	2						

**U.S. PATENT DOCUMENTS**

	A40	2004-0030118	A1	Wagner et al.	02-12-2004
	A41	2004-0053880	A1	Krieg	03-18-2004
	A42	2004-0067905	A1	Krieg	04-08-2004
	A43	2004-0087534	A1	Krieg et al.	05-06-2004
	A44	2004-0087538	A1	Krieg et al.	05-06-2004
	A45	2004-0092472	A1	Krieg	05-13-2004
	A46	2004-0106568	A1	Krieg et al.	06-03-2004
	A47	2004-0131628	A1	Bratzler et al.	07-08-2004
	A48	2004-0132685	A1	Krieg et al.	07-08-2004
	A49	2004-0142469	A1	Krieg et al.	07-22-2004
	A50	2004-0143112	A1	Krieg et al.	07-22-2004
	A51	2004-0147468	A1	Krieg et al.	07-29-2004
	A52	2004-0152649	A1	Krieg	08-05-2004
	A53	2004-0152656	A1	Krieg et al.	08-05-2004
	A54	2004-0152657	A1	Krieg et al.	08-05-2004
	A55	2004-0162258	A1	Krieg et al.	08-19-2004
	A56	2004-0162262	A1	Krieg et al.	08-19-2004
	A57	2004-0167089	A1	Krieg et al.	08-26-2004
	A58	2004-0171150	A1	Krieg et al.	09-02-2004
	A59	2004-0171571	A1	Krieg et al.	09-02-2004
	A60	2004-0181045	A1	Krieg et al.	09-16-2004
	A61	2004-0198688	A1	Krieg et al.	10-07-2004

EXAMINER:	DATE CONSIDERED:
-----------	------------------

#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

\*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. \_\_, filed \_\_, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

[NOTE - The Office hereby waives the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC 371 after June 30, 2003. See 37 CFR 1.491(b). For all patent applications filed on or before June 30, 2003, copies of cited U.S. patents and patent application publications are still required unless an eIDS is filed. Copies of all other patent(s), publication(s), or other information listed must still be provided, even if it was previously submitted to, or cited by, the U.S. Patent Office in an earlier application, unless the earlier application is identified by the IDS and is relied upon for an earlier filing date under 35 U.S.C. §120, and the copy was provided in the earlier application.]